

REMARKS

This paper is submitted in response to the non-final Office Action mailed September 15, 2008 and is accompanied by a petition for a one-month extension of time. The petition fee has been paid by credit card.

Initially, Applicants hereby affirm the provisional election, without traverse, of Group I: claims 1-6 and 13-15 made by Richard B. Hoffman by telephone on September 3, 2008. Claims 7-12 are therefore withdrawn. Claims 7-12 are also amended herein to conform with preferred U.S. format.

In the Office Action, (a) claims 13 and 15 are rejected under 35 U.S.C. §112 first paragraph; (b) claims 1, 5, 6, and 15 are rejected under 35 U.S.C. §103(a) as being obvious over Maruhashi (U.S. 4,393,106) in view of Heiremans (U.S. 4,181,239) and Pocock (U.S. 4,534,995); (c) claims 2 and 3 are rejected under 35 U.S.C. §103(a) as obvious over Maruhashi in view of Heiremans, Pocock, and further in view of Kuckertz (U.S. 6,613,394); (d) claims 4 and 14 are rejected under 35 U.S.C. §103(a) as obvious over Maruhashi in view of Heiremans, Pocock, and further in view of Hostettler (U.S. 6,017,577); and (e) claims 2 and 13 are rejected under 35 U.S.C. §103(a) as obvious over Maruhashi in view of Heiremans, Pocock, and further in view of Vitos et al Surf. Sci. 411 (1998), p. 186.

Claims 13 and 15 are amended herein to overcome the rejections under 35 U.S.C. §112. Support for the amendments can be found in original claims 2 and 6. No new matter has been added.

Claim 1 is also amended for clarity and consistency.

Applicants respectfully traverse the outstanding obviousness rejections.

Independent claim 1 of the present application is directed to a method for the manufacture of hollow bodies with a gas barrier coating, in particular containers made of PET. The method generally comprises the following steps:

- the surface of the body to be treated is subjected to a preliminary treatment to increase the surface energy;

- after the increase in the surface energy, the hollow body is electrostatically discharged;
- the hollow body is coated; and
- the coating is dried, thereby providing a multi-step preliminary treatment.

None of the cited references, alone or in combination, disclose or suggest each and every limitation recited in independent claim 1.

Maruhashi discloses a laminated plastic container, e.g., a bottle, and a method of manufacturing thereof. The method comprises coating the plastic bottle substrate to improve its barrier properties. If desired, the plastic bottle substrate may be subjected to a wetting property-improving preliminary treatment such as a pre-treatment with an anchoring agent, a corona discharge treatment, a surface active agent coating treatment, or a chemical action treatment. Furthermore, in order to **impart electrical conductivity**, the plastic bottle substrate may be subjected to a **conducting treatment**. See, column 10, lines 26 to 41.

In the Office Action, the examiner derived from this method step of imparting electrical conductivity, that the surface of the bottle will necessarily be discharged because it is conductive. This derivation seems to have been reached through common knowledge or perhaps official notice. For discharging the surface, however, the surface has to be brought into contact with a grounded or otherwise discharging means which, however, is not disclosed by Maruhashi. The conducting treatment and the imparting of the electrical conductivity to the plastic bottle substrate are both known in the art to merely be a preparatory step for a subsequent electrostatic coating.

Therefore, Maruhashi fails to disclose the combination of first increasing surface energy, and thereafter, removing electrostatic charge of the surface of the increased surface energy. Moreover, Applicants hereby traverse the examiner's finding of common knowledge and/or holding of official notice and request evidentiary support for the foregoing assertion.

Pocock discloses a method for coating containers to improve barrier properties, wherein the method includes neutralizing a positive static charge on the container by using ionized air. This reportedly produces a slightly negative charge on the container to prevent dust and debris from collecting thereon. See, column 2, lines 52-53. However, Pocock does not disclose increasing the surface energy prior to treating the container with ionized air. In contrast, a person having ordinary skill in the art would understand that an increase in surface energy is exactly what Pocock is trying to combat. Thus, it would not be obvious to modify Pocock to include such a step.

Moreover, it would not be obvious to modify Maruhashi to include the ionized air treatment of Pocock because nothing suggests a need or desire for the container to be electrostatically discharged. On the contrary, as mentioned, conducting treatments are known pretreatments for electrostatic coatings. Accordingly, a person having ordinary skill in the art would understand that nothing more is required for a desirable coating and would not look to Pocock for a method of discharging.

Accordingly, neither Maruhashi nor Pocock discloses any information that the barrier properties might be improved if the surfaces to be coated were first treated to increase the surface energy, and thereafter, subjected to an electrostatically discharging treatment.

The remaining references cited in the Office Action do not remedy the deficiencies of Maruhashi and Pocock. Therefore, each of claims 1-6 and 13-15 should be in condition for allowance.

Reconsideration and withdrawal of the outstanding obviousness rejections are respectfully requested.

CONCLUSION

In view of the foregoing, Applicants believe that each of the outstanding rejections have been traversed, overcome, and/or rendered moot. If the examiner wishes to discuss any matters related to the application, kindly contact the undersigned at (312) 474-6300.

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Respectfully submitted,

By


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